

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/828,957	BUCHTENKIRCH, MARTIN
	Examiner	Art Unit
	Sikyin Ip	1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 4/21/04, 9/27/04.
2.  The allowed claim(s) is/are 1-13.
3.  The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4/21/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date 9/27/04
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

Examiner's Amendment

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Robert S. Beiser on September 27, 2004.

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

This listing of claims below replaces all prior versions and listings of claims in the application:

1. (Original) A corrosive and tarnish resistant alloy consisting essentially of 13 to 25 percent by weight of gold, 20 to 36 percent by weight of silver, 23 to 32 percent by weight of copper, 16 to 25 percent by weight of zinc, and 1 to 4 percent by weight of silicate.
2. (Original) The alloy according to Claim 1 having a casting temperature of 1785 to 1825 degrees Fahrenheit.
3. (Original) The alloy according to Claim 1 melts having a temperature of approximately 1375 degrees Fahrenheit.
4. (Original) The alloy according to Claim 1 and further comprising copper-silicate.
5. (Currently amended) The alloy according to Claim 1 and having a specific gravity of 8.576 g./cc., ± .75 g./cc.
6. (Original) The alloy according to Claim 1 and having gold and said copper silicate provide enhanced tarnish resistance.
7. (Original) The alloy according to Claim 1 wherein said zinc is used to lighten the color of the alloy and to act as a scavenger.
8. (Original) Alloy for the manufacture of jewelry comprising, by weight:

Gold	16%	± 5%
Silver	32.4%	± 5%
Copper	29%	± 5%
Zinc	21%	± 5%
silicate	1.6%	± 5%

9. (Original) The alloy according to Claim 8 and having a Brinell hardness of 160 bench cooled and 140 quenched,  $\pm$  5%.

10. (Original) An improved dental alloy comprising a corrosive and tarnish resistant alloy consisting essentially of 13 to 25 percent by weight of gold, 20 to 36 percent by weight of silver, 23 to 32 percent by weight of copper, 16 to 25 percent by weight of zinc, and 1 to 4 percent by weight of silicate.

11. (Original) A corrosive and tarnish resistant alloy comprising 13 to 25 percent by weight of gold, 20 to 36 percent by weight of silver, 23 to 32 percent by weight of copper, 16 to 25 percent by weight of zinc, and 1 to 4 percent by weight of silicate.

12. (Original) A dental alloy suitable for crown, bridges, and other dental apparatus comprising of a gold colored, a corrosive and tarnish resistant alloy consisting essentially of 13 to 25 percent by weight of gold, 20 to 36 percent by weight of silver, 23 to 32 percent by weight of copper, 16 to 25 percent by weight of zinc, and 1 to 4 percent by weight of silicate.

13. (Original) A corrosive and tarnish resistant alloy comprising 13 to 25 percent by weight of gold, 20 to 36 percent by weight of silver, 23 to 32 percent by weight of copper, 16 to 25 percent by weight of zinc, and 1 to 4 percent by weight of silicate.

The following is an Examiner's Statement of Reasons for Allowance: The claimed combination of alloy composition elements with silicate is not taught or disclosed by references of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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The information disclosure statement filed April 21, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. DE 2638836 has been placed in the application file, but the information referred to therein has not been considered.

## Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Ip whose telephone number is (571) 272-1241. The examiner can normally be reached on Monday to Friday from 5:30 A.M. to 2:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King, can be reached on (571)-272-1244.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*S*  
SIKYIN IP  
PRIMARY EXAMINER  
ART UNIT 1742

S. Ip  
September 27, 2004